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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 10, 2002

APPLICATION OF

US LEC OF VIRGINIA L.L.C.

CASE NO. PUC-2002-00097

For waiver of the price ceiling
for an additional white page
directory listing, and request
for expedited review

ORDER PRESCRIBING NOTICE AND
INVITING COMMENTS AND/OR
REQUESTS FOR HEARING

On May 9, 2002, US LEC of Virginia L.L.C. ("US LEC" or "Applicant"), filed an application for a waiver of the price ceiling for an additional white page directory listing and a request for expedited review with the State Corporation Commission ("Commission"). The Applicant requests that the Commission waive the price ceiling, as set forth in 20 VAC 5-400-180 D 3 c of the Commission's Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules"), for additional white page directory listings. Further, US LEC requests an expedited review of this application.

US LEC states that it purchases white page directory listings from the incumbent, and the incumbent charges its

Effective April 9, 2002, the new Case Management System requires that the case number format for all Commission orders change from, e.g., PUE010663 to the following: PUE-2001-00663.

retail prices to US LEC for these purchases.¹ US LEC incurs further administrative costs to process and bill such services to its customers. Therefore, US LEC requests the pricing flexibility to recover its full costs.

US LEC asserts that the public interest will not be harmed by granting the requested waiver because the price of a stand-alone service (i.e., additional listing) is not as critical to its customers as the overall price for the service package. US LEC seeks pricing flexibility to provide overall price savings for its service, which includes advanced telecommunications services.

NOW THE COMMISSION is of the opinion and finds that this matter should be docketed. The Commission notes that if it grants the requested price ceiling waiver, US LEC would have no rate limitations on the prices it could charge for its additional white page directory listings. However, 20 VAC 5-400-180 D 3 d of the Local Rules authorizes the Commission to permit pricing structures or rates that do not conform with the price ceilings unless there is a showing that the public interest will be harmed.

We find that interested parties should be offered the opportunity to comment and/or request a hearing on US LEC's

¹ US LEC cites Verizon Virginia's General Services Tariff, S.C.C.-Va.-No. 203 as an example of retail monthly rates (i.e., \$1.12 residential and \$1.42 business) that it pays for additional white page directory listings.

application. We will, therefore, direct US LEC to provide notice to the public of its request for a waiver of the price ceiling for additional white page directory listings and invite comments and/or requests for hearing on the application.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUC-2002-00097.

(2) US LEC shall make available copies of this Order and the application. Copies may also be ordered from the Applicant by written requests to Applicant's attorney, Eric M. Page, Esquire, LeClair Ryan, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060. A copy of this Order and the application may also be reviewed during regular business hours in the Commission's Document Control Center, First Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia.

(3) On or before June 14, 2002, US LEC shall provide notice to its customers of its application. Notice may be published in newspapers of general circulation in the Applicant's service territory. Bill inserts are also acceptable. At a minimum, the notice shall contain the following:

NOTICE OF US LEC OF VIRGINIA L.L.C.,
OF ITS APPLICATION FOR WAIVER OF PRICE
CEILING FOR ADDITIONAL WHITE PAGE DIRECTORY
LISTING AND REQUEST FOR EXPEDITED REVIEW
CASE NO. PUC-2002-00097

On May 9, 2002, US LEC of Virginia L.L.C. ("US LEC" or the "Applicant"), filed with the State Corporation Commission ("Commission") an Application for Waiver of Price Ceiling for Additional White Page Directory Listing and Request for Expedited Review. The Applicant requests the Commission to waive the price ceiling, as set forth in 20 VAC 5-400-180 D 3 c of the Commission's Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules"), for additional white page directory listings.

US LEC asserts that its cost for additional white page directory listings is greater than its current tariff charge of \$1.20 per month.

If granted this waiver, US LEC would be allowed to increase prices for its additional white page directory listings. However, notice of any subsequently proposed increase would have to be provided in advance to customers.

The Commission invites interested parties to comment or request a hearing on US LEC's application. Comments or requests for hearing should be addressed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, First Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219. Such comments or requests for hearing shall refer to Case No. PUC-2002-00097 and must be filed on or before June 30, 2002.

Copies of US LEC's application and the Commission's Order in this case may be obtained by contacting Eric M. Page,

Esquire, LeClair Ryan, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060. Copies are also available in the Commission's Document Control Center, First Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia.

US LEC of Virginia L.L.C.

(4) On or before June 30, 2002, interested parties may file written comments and/or requests for hearing on US LEC's application with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, First Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219. Such comments or requests for hearing shall refer to Case No. PUC-2002-00097. Any request for hearing shall state why the issues raised cannot be adequately addressed in written comments. If no sufficient request for hearing is received, the Commission may consider US LEC's application based upon the papers filed therein without convening a hearing at which oral testimony is received. Copies shall also be served on US LEC at the address set forth in Ordering Paragraph (2) above.

(5) On or before June 30, 2002, the Applicant shall file with the Commission proof of notice as ordered herein.

(6) This matter is continued generally.